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STATE FOR NEA/ARPI, LONDON FOR TSOU, PARIS FOR ZEYA

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SUBJECT: NEA DAS GRAY URGES GOK ACTION ON TIP/LABOR ISSUES

REF: KUWAIT 3603

Classified By: Ambassador Richard LeBaron for reasons 1.4 (b) and (d)

¶1. (C) Summary: In separate meetings on December 6 with National Assembly Speaker Jassem Al-Khorafi and Minister of Social Affairs and Labor Faisal Al-Hajji, NEA DAS Gordon Gray reiterated U.S. concerns about Kuwait's trafficking in persons (TIP) and domestic labor problems, and urged GOK action to address these issues. He also emphasized the importance of these issues to Washington. Both Al-Khorafi and Al-Hajji downplayed the seriousness of the problem, though they assured DAS Gray that the GOK was working to resolve the issue. Saying he appreciated the ability to speak "frankly to good friends," DAS Gray encouraged the GOK to pass the proposed new labor law and to take additional concrete steps to protect foreign workers in Kuwait. End summary.

¶2. (C) In a December 6 meeting with Al-Khorafi, NEA DAS Gray and the Ambassador encouraged the GOK to seriously address TIP and domestic labor problems. Al-Khorafi downplayed the seriousness of the problems, arguing that only a small minority of the country's "150,000" domestics were subject to abuse. The Ambassador said the real figure was closer to 450,000, adding that even if only a "minority" of domestics were abused it was still a significant number. The Ambassador emphasized that more still needs to be done to protect domestics. Al-Khorafi said third country nationals (TCNs) were protected by their embassies in Kuwait and claimed abusive employers were jailed. DAS Gray stressed that laws must be enforced and structures put in place to protect victims of abuse. While the problem will never go away completely, the GOK should focus on reducing the number of victims, DAS Gray said.

¶3. (C) In a separate meeting on December 6 with Al-Hajji, DAS Gray emphasized the importance of TIP and labor issues to Washington, encouraged the GOK to take more "positive steps" to protect victims, and expressed hope that this "nagging issue" in the U.S.-Kuwait bilateral relationship would be resolved. While "not denying the problem," Al-Hajji blamed GOK critics for "exaggerating" domestic labor problems. He said "a few people" mistreat domestic workers, but "not many." He said there were between 400,000-450,000 domestics working in Kuwait.

¶4. (C) Al-Hajji noted that under the proposed new labor law, which would not cover domestics, TCNs would be covered, not "under the umbrella of Kuwaitis," but by their embassies. A separate ministerial decree covering domestics is expected to take effect in January 2006 and would require an employment contract between the domestic, the sponsor, and the employment agency (reftel), he said. Employees would take complaints to the employment agency, which could refer them

to the Ministry of Social Affairs and Labor. If the complaint were substantiated, the cost of a return ticket and any unpaid wages would be deducted from the initial deposit paid by the employer and held by the agency. Asked about the provision of shelters for abused workers, Al-Hajji said that under the new labor law, employment agencies would be required to provide shelters for abused workers until the problem was resolved. Al-Hajji said, however, that he was happy to receive advice from friends and assured DAS Gray that the GOK was working to resolve the issue.

15. (U) This cable has been cleared by DAS Gray.

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